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THE TWO SWORDS CONTROVERSY AND THE ROOTS OF MODERN  
POLITICAL THEORY

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## I

Predictably, the publication of Salmon Rushdie's novel, *The Satanic Verses*, caused an uproar among devout Moslems. Less predictable however, was the response by some Westerners. While in no way condoning the call for the execution of Rushdie for impiety (as the Ayatollah had ordered), some Westerners nevertheless felt a measure of sympathy for the outrage expressed by the world's Muslim population. No doubt, they felt this in spite of whatever disingenuous motives the Ayatollah may have had for exploiting the issue. The fact remained that, when informed of the contents of Rushdie's novel, the people who share his religious loyalties were offended. Albeit privately, the familiar question raised among many Westerners who felt a degree of understanding for this group of people was, "Is truly nothing sacred?"

Other current and recurrent events are equally instructive: the rise to political power of the so-called Religious Right in the United States, the continuing hostility between Protestants and Catholics in Northern Ireland, the emotionally resonant symbolism of a slain priest in Poland. These events and others like them are growing evidence of the need for the West to re-examine its predominant attitude toward the proper relationship between politics and religion. With the West's continuing inability to come to intellectual grips with the religious motivations of other cultures and with its failure to deal with the rising frustrations within its own culture regarding this issue, the occasion is ripe to rediscover that historical period when religion played a significant role in the conduct of social affairs.



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In what follows, I will focus on the political and religious controversies which erupted during the twelfth and thirteenth centuries. By tracing some of the varied forces at work during this period I intend to demonstrate that the accepted *theory* of medieval life that organized and directed all of society, secular and ecclesiastical, became increasingly in conflict with the actual institutional and cultural expressions of that life. This conflict was brought to a head by the Investiture Contest of the eleventh century and the Two Swords struggle that ensued in the following two-hundred or so years. The struggle was real and both sides, the priests and the kings, were pressed upon by many factors in addition to those exerted by the opposition. But the protagonists were stubborn and the *theory* would not and could not allow for an accommodation satisfactory to each of them. It was in this deadlock that modern political theory was wrought.

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Tracing the social and political forces at work during this period, I will argue that: (1) the conversion from the medieval to the modern is most clearly evident in the changing, roles and relative values, of faith and reason; (2) that conversion was made conceptually possible by the accommodation of Aristotelian ideas to Christian cosmology; and (3) that these changes are successively perceptible through consideration of the political thinkers, John of Salisbury, St. Thomas Aquinas, and Marsilius of Padua.

My hope is to provide the student of political theory with an academic tool for better understanding the historical link between the medieval and the modern periods. The explanation for the often conflicting allegiances to both religion and politics we experience today is, I feel, best provided

by recourse to an understanding of this link. We habitually miss this point because traditionally we begin our examination of the modern period three hundred years too late.

## II

Most historians and political theorists continue to mark the transition to the modern world at the turn of the fifteenth century. Admittedly, they do this with some powerful justification. The years immediately surrounding 1500 mark the beginning of Western European expansion and the birth of a true global history with the voyages of Columbus, da Gama, and Magellan. Additionally, we traditionally associate this period with both the Renaissance and the Protestant Reformation.

But perhaps of greater significance to political theorists are the ideas presented by the Florentine Niccolò Machiavelli. In the opening words of Warren Winiarski's essay on Machiavelli we find: "'We are much beholden,' said Francis Bacon, 'to Machiavelli and others that wrote what men do, and not what they ought to do.' It has long been known that Bacon spoke on behalf of modern man. Man is indebted to Machiavelli for modernity, for Machiavelli was the founder of the modern political orientation."<sup>1</sup> This notion of Machiavelli's place in intellectual history has, as one can see, enjoyed such a long run that it is virtually accepted as writ. It is my intention to challenge that view. I will admit that if one accepts that political ideas are substantively different today than they

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<sup>1</sup> Warren Winiarski, "Niccolo Machiavelli," in *History of Political Philosophy*, eds. Leo Strauss and Joseph Cropsey (Chicago: Rand McNally & Co., 1963), p. 247.

were in say, the year 1000, then one must necessarily draw a line somewhere and there is undeniably something wholly different in the approach of Machiavelli to the subject of politics when compared to the approaches of his forebears.

Possibly the most striking feature of the *The Prince*, and its most revolutionary aspect, is that which it does not mention. Prior to Machiavelli political theory dealt primarily with the ends of the state. Political power was assumed to be in the service of some higher end, such as justice, God, or the good life. Machiavelli no doubt disregarded the issue of the end of the state in traditional Judeo-Christian terms. But the fact that he ignored this previously central aspect of political theory is telling.

At the risk of stating the obvious, it is clear Machiavelli did not write absent a historical and intellectual context. Therefore, it seems the greater issue here involves an answer to the question, why have the ideas of Machiavelli had such a persistent resonance in contemporary political thought? Why was there an audience ready to listen to what he and others like-minded had to say? Max Lerner remarked in his introduction to the *The Prince and The Discourses* that: "Machiavelli rejected metaphysics, theology, idealism. The whole drift of his work ... characterized the actual politics and the popular ethos of his time... . When Machiavelli wrote thus he was not creating a new ethos, whatever we may think of it; he was expressing the ethos of the late *quattrocento* and the early *cinquecento* not only in Florence but in the whole of Italy. Machiavelli

was, in short, the child of his time — neither better nor worse than the other intellectuals, politicians, diplomats and civil servants of his time.”<sup>2</sup>

If Lerner is correct in asserting the contemporaneity of Machiavelli, and I believe that he is, then for the seeds of Machiavelli’s ideas to have taken root there had to exist an intellectual, social, and political soil previously prepared to accept and nurture his novel notions. I want to suggest that the “new route” Machiavelli had “resolved to open” was in fact a path cleared at least two to three hundred years earlier and that a proper and richer understanding of both the origins of what we call modern political theory and the direction it has taken, complete with numerous detours, requires an appreciation of the conceptual changes wrought in the twelfth and thirteenth centuries in Western Europe.

### III

As every schoolboy knows, in 1076 at the foot of the mountain fortress of Canossa in northern Italy, the German Emperor Henry IV stood barefoot in the snow and begged forgiveness of Pope Gregory VII for his sin of presuming authority superior to that of the Roman Pontiff. In 1302 however, Philip IV of France, not given to similar contrition, accepted the challenge to his authority articulated within the pages of Pope Boniface VIII’s bull *Unam Sanctum* reaffirming the doctrine of church supremacy in matters both ecclesiastical and secular. Not only did

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<sup>2</sup> Max Lerner, Introduction to *The Prince and The Discourses*, by Niccolò Machiavelli (New York: The Modern Library, Random House, Inc., 1950), p. xxxi-xxxii.

Philip's plans include bringing Boniface before a General Council of the Church and having him deposed, but in 1303 one of Philip's minions organized and successfully executed a kidnapping of Boniface, subjecting both the pope and papal authority to public humiliation. What had happened in those intervening two-odd centuries to make this kind of reversal of outcomes possible?

Clearly it would be an oversimplification to maintain that papal power had never been seriously challenged prior to 1076. Moreover, it would be equally naive to suggest that the Church failed, in secular affairs, to have influence of any consequence after the events of 1303. In fact, "The relation between kingship and priesthood was the dominant problem of medieval political thought."<sup>3</sup>

The practical and philosophical tensions that existed between these two protagonists found their clearest origins in the embrace of the Christian faith by the Roman Emperor Constantine in 313. However, one must understand that this event represented a change of great magnitude that would only slowly, but surely, work its way into the politics of the Middle Ages.

Prior to Constantine's conversion, the Church had been vigorously persecuted by the Roman state. The best it could hope for was freedom from this persecution. After Constantine's conversion, however, there came a period of general religious toleration. In 313 he issued a decree proclaiming: "To the Christians and to all men we decree that there be given free power to follow whatever religion each man chooses so that,

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<sup>3</sup> Ewart Lewis, Medieval Political Ideas, 2 vols. (New York: Alfred A. Knopf, 1954), vol. 2, p. 506.



whatever gods there be, they may be moved mercifully toward us.”<sup>4</sup> The complete identification of the Roman state with the Christian church would come later and perhaps this was as far as Constantine could go initially. The church constituted only a small minority within the empire and political pressures forced him to consider the pagan Romans and barbarians who formed the largest portion of the population.

“During the fourth century the frontiers of the empire did not separate a purely Roman world from a purely barbarian one. Ever since the last century before Christ, Roman and barbarian had been influencing each other. Two Roman provinces, Gaul and Britain, had been from the beginning combinations of Roman and Celtic civilizations.”<sup>5</sup> Because of this, “Constantine observed an attitude of formal correctness toward paganism. He remained its Supreme Pontiff, paid homage to the sun god on the official coinage, and in general was careful not to alienate the pagan masses and aristocracy of Rome.”<sup>6</sup> It was not until later that he and his successors would move vigorously against the pagan cultures with the imposition of the Christian religion. Roman troubles with barbarians persisted and culminated with the fall of the empire at the hands of the barbarian leader Alaric in 410.

It was against this backdrop of cultural and religious pluralism, a not so distant history that included the Church’s persecution by the State, and an empire threatened from within by disintegration and from without by

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<sup>4</sup> Quoted in Brian Tierney and Sidney Painter, Western Europe in the Middle Ages, 300-1475 (New York: Alfred A. Knopf, 1970), p. 28.

<sup>5</sup> Ibid., p. 41.

<sup>6</sup> Thomas Bokenkotter, A Concise History of the Catholic Church (Garden City, New York: Doubleday & Company, Inc., 1977), pp. 49-50.

hostile takeover, that the initial position of the church *vis a vis* the state was formed. This position, in large measure, was articulated by St. Augustine.

"The greatest Christian philosopher of the Western church in this age — one of the greatest of all ages — was St. Augustine of Hippo (354-430)."<sup>7</sup> Writing during this period of upheaval, it is no surprise that Augustine would formulate a political theory that envisioned the State as the god-ordained institution primarily responsible for the maintenance of earthly peace. Coercion was the blunt instrument available to the State for keeping the peace. Augustine's conception was of an essentially negative State that protected the lives and property of its citizens and did little more. Whatever approximation of justice that ensued was at best a poor reflection of the true justice found only in the City of God.<sup>8</sup>

Regarding the individuals responsibility to the State, Augustine consistently follows the Christian position that the State and its rulers were divinely established for the purpose of punishing evildoers. God's commandments included the complete obedience of the Christian to the rulers of the State, no matter how wicked or cruel they may be. Only if the State ordered a clear violation of a direct commandment of God, for example, the worship of idols, could the Christian disobey. But even then he could not raise his hand against the State or its rulers. He must submissively accept the punishment for his disobedience as either retribution for his sins or as a test of his faith.<sup>9</sup>

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<sup>7</sup> Tierney and Painter, Western Europe in the Middle Ages, 300-1475, p. 33.

<sup>8</sup> Herbert A. Deane, The Political and Social Ideas of St. Augustine (New York: Columbia University Press, 1963), p. 221.

<sup>9</sup> *Ibid.*, pp. 223-224.

It is true that some of Augustine's statements "foreshadowed the later Gelasian formula of the 'Two Swords,' the standard medieval doctrine that royal power and priestly power were two separate but cooperating authorities divinely established to govern men's lives in this world; the State was to deal with human, temporal concerns while the Church was charged with responsibility for man's eternal salvation and for the worship of God."<sup>10</sup> But we must be clear that at this point he did no more than "foreshadow" the doctrines that would follow. As Herbert Deane puts it, "St. Augustine developed no detailed, systematic theory of the proper relationship between Church and State or of the way which their respective spheres of activity should be separated and marked off."<sup>11</sup>

The spread of Christianity introduced a revolutionary new principle into social life that destroyed the previous classical equation of man as individual and man as citizen. This Christian dualism posited the independence, and even the superiority, of the spiritual sphere over the political.<sup>12</sup> The principle was not immediately subversive of the state as the early Church was preoccupied with the struggle for institutional survival. Persecution and heresy were the proximate problems affecting the church and accordingly St. Augustine was more concerned with a theological defense of the faith than with the articulation of a detailed theory of church/state relations.

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<sup>10</sup> Ibid., p. 172.

<sup>11</sup> Ibid., p. 172.

<sup>12</sup> Ibid., p. 8.

Nevertheless, Augustine was keenly aware that for all the advantages that came with the Church's new position as the official religion of the empire, it also brought with it many disadvantages. The advantages included freedom from persecution and a social climate more conducive to proselytization. Among the disadvantages was a dilution of the intensity of faith and quality of morals in the church membership. Men often sought the blessings of the Church simply to promote their temporal interests. Similarly, priests became increasingly drawn more by the power and prestige of their clerical offices than by their purely religious duties.<sup>13</sup>

The movement from this 'opening' position of the medieval period to that which was present at the outset of the twelfth century is of great significance. The sheer intellectual power of Augustine's mind and the broad span of issues which he considered settled satisfactorily many of the vexing doctrinal problems facing the early Church. However, the absence of a clear theory regarding the proper relationship between the Church and the State left a gaping hole in Church dogma. That void was to be filled by the theoretical and practical traditions established during the centuries that followed. Among the most significant were: (i) the articulation of the so-called Gelasian doctrine; (ii) the steady growth of papal power and prestige begun with the papacy of Gregory the Great; (iii) the establishment of the concept of Europe and the idea of Empire and Christendom united with the rise of Charlemagne.<sup>14</sup>

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<sup>13</sup> Ibid., p. 173.

<sup>14</sup> After the fall of the Roman Empire, with the rise of the Christian religion in Western Europe, the struggle, which in modern parlance we label Church vs. State, is

## IV

Pope Gelasius I (492-496) served during the breach between Rome and Byzantium known as the Acacian schism, after the patriarch of Constantinople, Acacius. Part of the more troublesome legacy of the Roman Emperor Constantine was a result of his decision to move the capital of the empire from Rome to Byzantium (later called Constantinople after the Emperor). This move from the traditional capital caused not only a division of the empire after Constantine's demise, but also a division in the Church over the issue of the site of supreme ecclesiastical authority. The sack of Rome at the hands of the Visigoths in 410 served to strengthen the position of the Byzantine emperors *vis a vis* Rome. It also supported a legacy of doctrinal struggle within the Church between the popes of Rome and the patriarchs of Constantinople.

Religious differences led to civil disorders with the secular authorities looking for some sort of compromise in order to reestablish peace. The lack of compromise ended with the excommunication of Acacius by the Roman Pontiff and the resultant schism helped the Ostrogothic king Theodoric solidify his rule in Italy. This schism was significant for it led Pope Gelasius "to formulate a trenchant declaration about the respective roles of priests and kings in the government of the Christian world."<sup>15</sup> Gelasius wrote: "Two there are, august emperor, by which this world is

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better understood as involving the proper ordering of ecclesiastical and secular authority in a, more or less, wholly Christian society. I will return to this distinction later.

<sup>15</sup> Tierney and Painter, Western Europe in the Middle Ages, 300-1475, p.76.

chiefly ruled, the sacred authority of the priesthood and the royal power. Of these the responsibility of the priests is more weighty insofar as they will answer for the kings of men themselves at the divine judgement."<sup>16</sup> These words, although in many ways a rearticulation of Augustine's doctrine, could also be interpreted to augur a step towards a position of ecclesiastical supremacy. As Brian Tierney and Sidney Painter point out: "The text clearly emphasized a duality of functions, but it also indicated that the priestly role was of greater dignity than the royal one. In later centuries the words were used to support both theories of church-state separation and theories of papal supremacy."<sup>17</sup>

The next great step was taken by "... one of the greatest pontiffs in the history of the Roman Church, Gregory I, known as Gregory the Great, who is often called the father of the medieval papacy."<sup>18</sup> As Thomas Bokenkotter suggests, of his many accomplishments during his tenure as pope (590-604) four emerge as particularly significant: "he established the Popes as *de facto* rulers of central Italy; he strengthened the papal primacy over the churches of the West; he immensely furthered the work of converting the barbarians and initiated the conversion of the Anglo-Saxons; and he left behind a corpus of theological and spiritual writings that had a tremendous influence on the shaping of medieval thought."<sup>19</sup>

The sheer brilliance and integrity of this man (and few historians seem to disagree with this judgement) elevated the prestige of the papacy to such a level that he was able to establish a tradition of legitimate

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<sup>16</sup> Ibid., p. 76.

<sup>17</sup> Ibid., p. 76.

<sup>18</sup> Ibid., p. 77.

<sup>19</sup> Bokenkotter, A Concise History of the Catholic Church, pp. 98-99.

ecclesiastical involvement in secular affairs. By the end of the sixth century there had been a complete breakdown in civil government in central Italy. Lombard invasions were routine. In 592, Gregory successfully negotiated a truce with the Lombards. When the truce failed and war broke out in 593, he directed the defense of the city.<sup>20</sup> Due to the nature of the emergency his involvement in secular affairs was recognized as necessary; but because of his competence, it was also accepted as legitimate. This kind of involvement was not challenged successfully until the twelfth and thirteenth centuries.

His talents and influence were also extended to developing the custom of Roman papal primacy over the Western churches and to eagerly supporting mission-work for the spread of Christianity to all of Europe. "So Gregory set the papacy and the Church on a path that was to make it the predominant force in shaping a new civilization out of the ruins of the old — a new political and cultural and social unity called Europe."<sup>21</sup>

Finally, it is necessary to address the significance of Charlemagne's (768-814) ascendancy and the establishment of the Holy Roman Empire. Let us say that the significance of both the man and the empire grew in part from the recognition of a mutually advantageous relationship between the Frankish kings and the papacy. The papacy had since the establishment of its *de facto* rule over Italy by Pope Gregory I been regularly threatened by the presence of Lombard power in the region. In this regard the popes had often appealed to the Frankish kings for help. In 739 Pope Gregory III had unsuccessfully asked Charles Martel for aid.

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<sup>20</sup> Tierney and Painter, Western Europe in the Middle Ages, 300-1475, p. 77.

<sup>21</sup> Bokenkotter, A Concise History of the Catholic Church, p. 100.

However, Martel's successor, Pepin, decided that for the sake of consolidating his own power, he needed divine sanction to secure the Merovingian line which had traditionally been recognized as having descended from a god. To that end he appealed to Rome for sanction in exchange for a guarantee of the Pope's rule of a large portion of Italy.<sup>22</sup>

Pepin's son, Charles called Charlemagne, consolidated this alliance between the popes and the Frankish kings. The alliance remained useful to both parties for years. For the popes, the kings became their permanent protectors. Additionally, the papacy, which had been vexed for centuries with the necessity of dealing with a multiple of competing monarchies with differing and changing degrees of loyalty to the Church, probably found the idea of a single powerful king appealing.<sup>23</sup> For the kings, the provision of a measure of political unity afforded by a common religion was not discounted. Although it has often been said that Charlemagne, who evidently was fond of St. Augustine's *City of God*, looked to establish a city of God on earth, we can be sure that he did not miss the practical utility the idea offered.<sup>24</sup>

In any case, Charlemagne's conquests united Western Europe as never before and his acceptance of coronation, begrudgingly or not,<sup>25</sup> by Pope Leo III as Holy Roman Emperor on Christmas day in 800, instituted a vital sense of the possibility of unifying Europe and Christendom. Charlemagne's conquest and the identification of Western Europe with

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22 Tierney and Painter, Western Europe in the Middle Ages, 300-1475, pp.99-101.

23 Ibid., p. 149.

24 Ibid., p. 106.

25 Ibid., p. 107.



Christendom afforded by his coronation provided the last ingredients in a recipe that already included Platonic philosophy, Pauline theology ("One Lord, one faith, one baptism", Ephesians 4:5), and Roman imperial traditions. In this respect, Bokenkotter concludes, Charlemagne's reign "embodied in its own way a great idea: the concept of Europe as a commonwealth of Christian peoples, a single society embracing a wide variety of peoples, organized in numerous states but bound together in a framework of mutual rights and duties and united in a common faith and a common moral and intellectual culture."<sup>26</sup>

No matter how attractive, this idea of unity was far from settled, however. The Gelasian doctrine contained just enough ambiguity to be used by both sides in the Two Swords controversy. Pope Gregory's actions served not only to increase the scale of priest/prince relations, but eventually the intensity of the conflict between them. Indeed, the implications of Charlemagne's coronation itself remained somewhat problematic. Was the pope offering the secular sword to the king or, was the king donating his services to the Church? This tension persisted alongside the desire for unity until it once again erupted in the religious and political struggles of the twelfth and thirteenth centuries.

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<sup>26</sup> Bokenkotter, A Concise History of the Catholic Church, p. 106.

## V

According to R.W. Southern: "Nearly everything that is essential to the understanding of the medieval church reached its fullest development, its most satisfactory exposition, and its most successful practical application in this short central period of the Middle Ages."<sup>27</sup> For Southern in the two centuries following 1100 the West witnessed significant political, cultural, and theological changes. For instance:

The secular ruler had been demoted from his position of quasi-sacerdotal splendour, the pope had assumed a new power of intervention and direction in both spiritual and secular affairs, the Benedictine Rule had lost its monopoly in the religious life, an entirely new impulse had been given to law and theology, and several important steps had been taken towards understanding and even controlling the physical world. The expansion of Europe had begun in earnest.<sup>28</sup>

It will be useful to address these changes, in reverse order.

First, Western Europe in the tenth and eleventh centuries experienced what has been described as nothing short of an "agricultural revolution". The success of new farming techniques had sufficiently increased the productivity of the peasant farmers such that the surplus both spurred and fed an increase in population.<sup>29</sup> This surplus of production and

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<sup>27</sup> R.W. Southern, Western Society and the Church in the Middle Ages (Hammondsworth, England: Penguin Books, 1970), p. 26.

<sup>28</sup> Ibid., p. 34.

<sup>29</sup> Tierney and Painter, Western Europe in the Middle Ages, 300-1475, p. 143.

growing population helped to alter the direction of Western Europe.

Tierney and Painter note:

During the eleventh and twelfth centuries a fundamental change was taking place in the economic system on which the civilization of Western Europe rested. The basic feature of this change was the gradual reappearance of an economy based on the exchange of goods and a simultaneous increase in the amount of money in circulation. By 1200 one could sell one's surplus production and buy what one could not produce. Closely related causally to this increase in trade was a revival of specialized craftsmanship, and the development of towns. Into a society of priests, knights, and peasants were introduced merchants, tradesmen, and artisans. These new phenomena had a profound effect on every phase of medieval civilization — political, cultural, social, and economic.<sup>30</sup>

Beyond creating a new social class, the revival of commerce and the reappearance of a money economy fundamentally altered the nature of relationships between existing segments of society. Feudalism, the modern word employed to describe the complicated pattern of social, political, and military arrangements that existed during the Middle Ages, became increasingly obsolete.

Initially, "[t]he basic purpose of the feudal relationship was cooperation in war. The chief function of the lord was to protect his vassals and their lands, and theirs was to serve in his army."<sup>31</sup> But the growth of an exchange economy changed all this. There was "a tendency to commute feudal services into money payments. The lord would accept a sum of money from a vassal instead of requiring his service in the host, and with

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<sup>30</sup> Ibid., p. 213.

<sup>31</sup> Ibid., p. 125.

the money he would hire a soldier. Bit by bit the relations between lord and vassals became less personal and more purely financial. By the end of the thirteenth century, tenure by knight service was largely a rather expensive way to hold land.”<sup>32</sup>

Along with these changes this period also experienced a revival of law. “Medieval intellectuals had a passion for order. It was a natural reaction against the chaos and violence from which their civilization was emerging.”<sup>33</sup> Prior to this period local customs reigned supreme and this was consistent with a decentralized social structure based on feudal obligations. Every fief was different with differing traditions of settling disputes and ordering relations. Sometimes these differences caused conflict, conflict that was not acceptable to the idea of universality provided by both the theology of the church and the tradition of the empire. Additionally, the growth of commerce and the rise of cities in a less abstract manner demonstrated the inability of custom to deal with new and growing problems of urban life. “This whole background explains the extraordinary enthusiasm for the study of classical Roman law that became a major preoccupation of the medieval schools from about 1100 onward.”<sup>34</sup>

This revival of law had long lasting implications as Tierney and Painter point out:

Roman law reintroduced into Western thought the idea of the state, of government as a public authority endowed with powers of

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<sup>32</sup> Ibid., p. 382.

<sup>33</sup> Ibid., p. 248.

<sup>34</sup> Ibid., p. 249.

legislation. In feudal practice the exercise of governmental functions had become essentially a private perquisite, a property right that was received along with other rights of property in a fief. The classical jurists may have been uncertain whether public authority came from God or the people, but they were quite clear that it did not come from possession of landed estates. Again, early medieval kings had worked entirely within the framework of Teutonic or feudal custom. From the thirteenth century onward they began deliberately to make new laws with full awareness that they were actually legislating and without any pretense that they were merely interpreting or restating old customs.<sup>35</sup>

Another factor in the changes that occurred in the twelfth and thirteenth centuries was the great wave of religious enthusiasm that marked the beginning of the period. For example, with the waning of the previous dominance of the Benedictines several new religious orders were established. As Southern observes: "We shall certainly not be wrong in associating the stability of religious ideals before about 1100 with the relatively static society of the early Middle Ages, and the rapid diversification of religious organization after this date with the expansion and growing complexity of western society. The interaction of social and religious change is nowhere more clearly displayed than in the history of the religious Orders: here more obviously than anywhere else the history of the medieval church is the history of medieval society."<sup>36</sup>

Southern argues that the previously dominant Benedictine order was seriously challenged by both, what he calls, its religious right and left; on the left by the Augustinians and on the right by the Cistercians.<sup>37</sup> Both

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<sup>35</sup> Ibid., p. 250.

<sup>36</sup> Southern, Western Society and the Church in the Middle Ages, p. 215.

<sup>37</sup> Ibid., p. 241.

directions were in part a reaction to the diversity and the increased opportunity made possible by the rapid expansion of Western society during this time.

Generally, the new Augustinian or canonical orders offered a 'Rule' that was much less exacting than the existing Benedictine Rule and in the view of its founders truer to the original biblical demands of a religious life. The generality of the Augustinian 'Rule' gave it a flexibility that during this period of expansion was its greatest appeal. "As a 'Rule' its great beauty was that it left so much to the imagination, and it could be developed in various ways by the communities which adopted it."<sup>38</sup>

Formed in the sixth century, the Benedictine Order was at least initially the product of and a reaction to the final collapse of the Roman Empire. Accordingly they sought to mirror what they perceived as the stable supernatural order as opposed to the unpredictable natural one. The Augustinians by contrast were the product of an already largely settled Europe. Their project was to rebuild the communities in which they resided and to this end they were chiefly practical men. As members of a new expression of Christianity themselves, they provided a flexible religious framework from which others could lead a life of devotion. They collected money to aid the sick and poor; they built churches; and during the twelfth century a large number of them served as popes, bishops, and teachers.<sup>39</sup>

However, the Cistercians, during this wave of religious enthusiasm and European expansion, took another approach. Although not formed by St.

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<sup>38</sup> Ibid., p. 242.

<sup>39</sup> Ibid., p. 244.

Bernard of Clairvaux, the Order found in him their greatest spokesman. "In his religious teaching, Bernard represented a whole new way of piety that was coming to characterize twelfth-century Christianity. It was both more mystical and more personalist than the religion of the early medieval centuries."<sup>40</sup> The ideas behind the two new Orders were entirely different and perhaps a comparison between them is the best way to appreciate these differences.

If the Augustinians could be described as practical men, the Cistercians could be characterized as mystical. Where the canons wanted to participate in society, the Cistercians fled from it. While the Augustinians often blended with the communities they frequented, the Cistercians always stood in sharp contrast to their environment. The Cistercians sought to recover the original Benedictine traditions, which in their judgement had been corrupted. Characteristically, the Augustinians respected the Benedictine legacy, but resolved to follow their own alternative.<sup>41</sup>

A parallel development that deserves mention here is the creation of the Dominican and Franciscan Orders. Both were developments with roots in the two earlier creations, the Augustinians and Cistercians respectively. But more specifically, they were a product of the Church's inability to deal with the growth of towns and universities that was characteristic of this period.<sup>42</sup> The organized Church had never before been faced with the problems of an urban society. After the fall of Rome

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<sup>40</sup> Tierney and Painter, Western Europe in the Middle Ages, 300-1475, p. 238.

<sup>41</sup> Southern, Western Society and the Church in the Middle Ages, pp. 250-251.

<sup>42</sup> *Ibid.*, p. 273.

the population had scattered and a widely dispersed, primarily agrarian society was the ever-present norm. Rural society was relatively stable and responsive to organization and control. But towns, whose growth was in part a product of the new money economy, were significantly less so.

A new type of order arose in the thirteenth century in part to provide what the Church was lacking with regard to urban life. In addition to fidelity to vows of poverty, chastity, etc., the ideal of a monastic order is complete withdrawal from the world. The aim of these new orders was to pursue the monastic ideals, but to do so while remaining in the world to convert it by example. These friars, or brothers, of whom the Dominicans and Franciscans constituted a major portion, made it part of their commission to involve themselves in society as a whole and fill the gaps left by the inadequacies of the established Church in the newly developing urban life.

Although the Franciscans are closer heirs to the Cistercian position regarding the practice of, if you will, an extreme faith; both they and the Dominicans were part of a movement away from the direct ecclesiastical authority of the Church and a product of the same impulse that resulted in the formation of the two monastic Orders mentioned above.

The perception of inadequacies and inconsistencies in the organized Church that leads to these kind of movements seem historically recurrent. When there exists a disjunction between the expectations of religion and secular society, from the religious perspective there exists as well, two problematic solutions. The first is represented by the direction of the Augustinians and the friars, particularly the Dominicans, that is emersion into society. The hope is reform from within, bringing the content and



practice of their faith directly to bear on social problems. The danger is absorption into the secular society and the loss of any sense of distinctiveness. The depiction of the clergy in Chaucer's *The Canterbury Tales* comes to mind.

The second is represented by the direction of the Cistercians, that is separation from society. The hope here is the preservation of the unique quality of the faith and the maintenance of an undefiled ideal from which secular society may take its moral bearings. Its attendant danger is an attitude of detachment which offers nothing to secular society and is regarded by it as at best insignificant.

There exists a tension between these two expressions of the religious life. One counsils involvement, the other withdrawal. In the abstract, and when pushed to their extremes, the tension is not ultimately resolvable. But in practice, and historically, it has been the accommodation of these two positions that has determined whether or not the Church, or the religious life in general, has had any direct bearing on secular society. The Church was aware of this paradox. Scripture testifies to its reality as it records Christ's words, comparing himself to John the Baptist, "For John came neither eating nor drinking, and they say, He hath a devil. The Son of man came eating and drinking, and they say, Behold a man gluttonous, and a winebibber, a friend of publicans and sinners. But wisdom is justified of her children." (Mathew 11:18,19)

It is fair to say that when either or both extremes predominate the Church has less and less to offer to the secular world. The direction taken by the Cistercian and Augustinian Orders was in many ways a movement toward these two extremes. It would be a gross error to argue that the

twelfth and thirteenth centuries were not securely within the confines of that era some have called the "Age of Faith". However, it seems clear that with the emergence of these new Orders there was at least a step away from that period.

It may strike some as a contradiction to argue that at the same time Western Europe experienced a growth in the plurality of religious expression it also underwent a period of Papal supremacy, but that is exactly what occurred. To understand this one must recall the unitary principle mentioned above and the deep yearning for harmony that was so prevalent during this period.

But this idea alone is not enough. Who or what was to define the content of this unity? Without exception during the Middle Ages it was defined by the Church. Southern writes: "The identification of the church with the whole of organized society is the fundamental feature which distinguishes the Middle Ages from earlier and later periods of history."<sup>43</sup> As the Church's chief spokesman, the pope quite 'naturally' derived his legitimate authority from this role of articulating the unity in which all society existed. Insofar as this kind of articulation was necessary and he did it well, he had power. It was inevitable that in a society wholly identified with the Church that this power would spill over into matters secular.

If the intervention of the popes into secular affairs began with Pope Gregory I, then the influence and power wielded by Pope Gregory VII in the latter part of the eleventh century instituted a period of papal

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<sup>43</sup> Ibid., p. 16.

involvement that had reached its climax. Never before or since has the papacy exercised the degree of direct influence in the secular affairs of the European nations as it did during the twelfth and thirteenth centuries.

The aggressive extension of papal authority began oddly enough as a reaction to the Church's overly intimate relationship with the kings of Europe generally and the Ottonian Empire of Germany specifically. After Charlemagne, the Holy Roman Empire slowly decayed and the papacy, with which it had been intimately aligned, experienced a similar fate. However, Otto the Great, seeking to reestablish the Empire, albeit with much reduced territory, quite consciously sought to revive the tradition of papal coronation and was so crowned in St. Peter's Basilica in 962 by Pope John XII. "There followed over the next century a succession of Ottos and Henrys who carried on Otto's intimate union of Church and state — employing bishops as officials of the crown, making and unmaking Popes as they saw fit, but often at the same time showing remarkable zeal for the reform of the Church."<sup>44</sup> What was true in Germany was equally true in the rest of Europe and there grew increasingly a call for reform.

The reformers sought to disestablish this 'unholy' union between the kings and the Church in what has become known historically as the "Investiture Contest". Medieval society was predominately illiterate and unskilled, particularly in the task of government. The clergy, however, represented the one significant exception. Kings naturally sought the clerics advice and expertise in the management of their often extensive

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<sup>44</sup> Bokenkotter, A Concise History of the Catholic Church, p. 110.

territories. They routinely appointed bishops and gave them temporal power as the bishops' managerial skills and administrative support was essential to stable government. Tierney and Painter note:

There was little idea of any separation between the spheres of spiritual and temporal government. Kings appointed bishops but bishops ruled secular provinces. A kingdom was a sort of unified church-state over which the king presided. Royal appointments of prelates was not regarded as an abuse, but was justified by a widely held doctrine of royal theocracy that had been formulated by the churchmen themselves during the troubles of the ninth and tenth centuries, when stronger kings seemed the only possible alternative to sheer anarchy.<sup>45</sup>

“Eleventh-century kings did not merely designate bishops, but actually conferred ecclesiastical office upon the men of their choice by ‘investing’ them with ring and staff, the symbols of episcopal power. The reformers came to challenge this practice of lay investiture; in doing so they challenged the whole basis of royal authority.”<sup>46</sup> It was the aggressive Cardinal Humbert in the latter part of the eleventh century who laid the intellectual foundations for the challenge.

Humbert argued that the lay investiture was a “perversion of proper order”<sup>47</sup> Only the clergy could elect bishops to ecclesiastical office and laymen, including kings, had to be obedient to the clergy in this regard.. But the reformers did not stop merely at righting this wrong.

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<sup>45</sup> Tierney and Painter, Western Europe in the Middle Ages, 300-1475, p. 176.

<sup>46</sup> Ibid., pp. 176-177.

<sup>47</sup> Bokenkotter, A Concise History of the Catholic Church, p. 112.

Humbert went much farther and revived the ancient Gelasian formula to validate his position. He asserted that laymen were not only subject to priests inside the Church, with regard to matters ecclesiastical, but that outside the Church, in secular matters, laymen were equally subject. His conclusions were drawn from his rigorous logic that began with a by then familiar first principle, the unitary principle. Church and State were two parts of the same body, Christendom. The body of Christendom was animated by faith and properly guided towards its final goal, eternal salvation, only by the priesthood. In this context spiritual and temporal conflicts could easily be resolved. The spiritual authority was ultimately sovereign.<sup>48</sup>

Pope Gregory VII, in the latter part of the eleventh century (as aggressive as Humbert) built upon his predecessor's argument in his *Dictatus papae*. He wrote:

the pope can be judged by none; the Roman church has never erred and never will err till the end of time; the Roman church was founded by Christ alone; the pope alone can depose and restore bishops; he alone can make new laws, set up new bishoprics, and divide old ones; he alone can translate bishops; he alone can call general councils and authorize canon law; he alone can revise his judgments; he alone can use the imperial insignia; *he can depose emperors*; he can absolve subjects from their allegiance; all princes should kiss his feet; his legates, even though in inferior orders, have precedence over all bishops; an appeal to the papal courts inhibits judgment by all inferior courts; a duly ordained pope is undoubtedly made a saint by the merits of St. Peter.<sup>49</sup> (My italics)

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<sup>48</sup> Ibid., p. 112.

<sup>49</sup> Southern, Western Society and the Church in the Middle Ages, p. 102.

Commenting on the significance of Gregory's words, Southern writes: "Taken as a whole these statements comprise a complete programme of action. They imply nothing less than a total papal sovereignty in all the affairs of the Christian community, and it is a measure of the greatness of the man who caused these statements to be brought together that not one (except perhaps the last) is an idle boast."<sup>50</sup>

In what manner did twelfth and thirteenth century popes exercise their authority? "The two main characteristics of medieval government, whether secular or ecclesiastical, were these: the ruler was a dispenser of benefits, and he was a dispenser of justice."<sup>51</sup> For the popes, lacking the power to enforce their authority, the role of "dispenser of benefits" had to precede that of "dispenser of justice". They needed first to establish the loyalty of their subjects, independent of their subjects' loyalty to a competing secular authority, before they could do much of anything else.

In this capacity the pope's chief clients were the new religious Orders discussed earlier. Either to escape the stifling bureaucracy of the Church's hierarchical structure or simply to seek the pope's blessing in the establishment of their unique expressions of the Christian faith, these Orders appealed directly to the office of the papacy. Of interest it should be noted that, with the exception of the Cistercians, the Orders sought to involve themselves more directly with secular society. Hence, indirectly, through the practices of the Augustinians, Dominicans, and Franciscans, the popes gained additional influence and authority in secular affairs.

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<sup>50</sup> Ibid., pp. 102-103.

<sup>51</sup> Ibid., pp. 111-112.

Significantly, the friars enjoyed a special relationship with the pope's of this period. It seems the same motivations that gave rise to the wave of religious enthusiasm that swept the Church in the latter part of the eleventh century and resulted in the papal sponsorship of religious orders like the Franciscans and Dominicans, also constituted the impetus for the establishment of what were recognized as heretical orders. In response to these heresies the friars' role was critical. During the thirteenth century probably their most important service to the papacy was their role in defending the spiritual and intellectual supremacy of the Church against the heretics.<sup>52</sup> Additionally, they provided the pope with a large, highly organized cadre under his direct command. By contrast, in spite of their growing prestige, the popes still exercised little control over the local clergy.<sup>53</sup>

The second role of the pope as "dispenser of justice" also served to increase the prestige and authority of the papacy. In an otherwise highly decentralized feudal society, where authority was often disputed, where allegiances changed hands with the passing of kings, where manifold customs and traditions often conflicted; the highly and increasingly organized body of church government offered a stability that more and more of the population turned to for the settling of legal disputes. Not surprisingly the more they turned to it, the more its prestige grew. Southern calls it: "... the most important development in papal power in

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<sup>52</sup> Tierney and Painter, Western Europe in the Middle Ages, 300-1475, p. 301.

<sup>53</sup> *Ibid.*, p. 302.

the whole medieval period: the emergence of the papacy as a universal court of first instance in a vast area of litigation.”<sup>54</sup>

Finally, we may address the last of the more important changes occurring in twelfth and thirteenth century Europe: the demotion of the secular ruler from “his position of quasi-sacerdotal splendour”. That position had enjoyed a long history. Constantine’s conversion, Charlemagne’s coronation, and the general Christianization of Western Europe all offered historical and ideological support to the idea of a royal theocracy. Nevertheless during the period of the twelfth and thirteenth centuries that view was challenged from two fronts. First, it was a direct result of the Two Swords controversy and the attempt to establish for the ecclesiastical hierarchy primary control in the direction of human affairs, spiritual and temporal. But it was also a consequence of the growing dynamism and complexity of society that called increasingly for organized government rather than recourse to often mystical traditions for the solution of its problems.<sup>55</sup>

The immediate consequences of the Investiture Contest and the Church’s success was, as we have seen, to greatly enhance the position of the popes *vis a vis* the kings. Clearly, the Church’s victory served to successfully defrock the monarchs. The lion’s share of the theoretical evidence simply did not support any of their claims to sacerdotal authority.

But the papacy’s attempt to extend its growing authority to secular affairs often met with more concentrated and usually successful

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<sup>54</sup> Southern, Western Society and the Church in the Middle Ages, p. 115.

<sup>55</sup> *Ibid.*, pp. 36-37.



resistance. It was true that politically, the movement towards general acceptance of royal theocracy as the norm for Western governments was ended. But it was also true that it was not replaced by a pattern of papal theocracy. Gregory VII's exalted claims notwithstanding, the ability of a pope to depose a king remained at best highly controversial. What the Investiture Contest had done was institute, to a higher degree than previously experienced, "a sort of duality in medieval government, a persistent tension between church and state."<sup>56</sup>

Far from settling the dispute, the often overzealous claims of the popes during this period served ultimately to expose more clearly the limits of priestly authority. Without a doubt the popes of this period exercised far more political influence than had been previously possible. But in their contests with the kings it became increasingly clear that the popes' power could be effective only by being overly so. He could not, for example, depose a particular king without risking a general political and even ecclesiastical collapse. The only real weapons at his disposal were interdict and excommunication. As long as they commanded general respect, which they often did not, they could be effective in minor disputes. But in major ones, when the stakes were high, they were either ignored altogether or they unleashed violent, self-interested responses that ended with the pope losing even the pretense of authority that he previously enjoyed.<sup>57</sup>

The popes were aware of this practical limitation to their authority. But they were also secure in their belief that the best minds in

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<sup>56</sup> Tierney and Painter, Western Europe in the Middle Ages, 300-1475, p. 183.

<sup>57</sup> Southern, Western Society and the Church in the Middle Ages, pp. 125-126.

Christendom had given them a theory that justified everything they did. Thus the Two Swords controversy had arrived at a complete deadlock. It was in the deadlock however, that the only way out slowly began to emerge. "The papal claims in temporal affairs could never succeed because the pope lacked the appropriate weapons; but he could never stop trying to succeed with inappropriate weapons so long as there was no effective challenge to the theory of papal supremacy in secular affairs."<sup>58</sup>

In the short run, the successful defrocking of the kings in the twelfth and thirteenth centuries was a tremendous victory for the papacy. Against the growing prestige and authority of the Church, the kings' loss of "quasi-sacerdotal splendour" made them appear weak, less significant. But the long run consequences were quite different.

With the demotion of the king, there was a corresponding demotion of the rest of the lay society that he represented. It would be an error to suggest that European society at this point had ceased to identify itself with the Church. But from this period forward it became increasingly common to refer to 'the Church' as that body of clerics who managed it, popes, priests, monks, etc., as something outside of the rest of society.<sup>59</sup> The lasting impact would be a step towards freeing the king and the rest of the laity from the immediate demands and ultimate commands of the Church altogether.

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<sup>58</sup> Ibid., p. 126.

<sup>59</sup> Ibid., p. 37.

## VI

With an appreciation of the historical setting in which the Two Swords controversy was played out we can now move to a discussion of the philosophical/theological positions from which it was argued.

Perhaps a good place to begin is with the origin of the phrase, "Two Swords". The term was used in the mid-twelfth century by the Cistercian monk, St. Bernard of Clairvaux, who drew it from a passage of scripture, Luke 22:38. In a treatise to Pope Eugenius III, Bernard wrote:

Why should you try again to draw the sword, which you were once ordered to put back into its sheath? And yet anyone who denies that the sword is yours seems to me not sufficiently to consider the word of the Lord when He said, "Put back thy sword into its sheath." Therefore the sword is yours, to be unsheathed, perhaps, when you so indicate (*tuo nutu*), although not by your hand. For if it did not belong to you in any way, the Lord, when the apostles said, "Behold, here are two swords," would have answered not "It is enough," but "It is too much." Therefore both swords, the spiritual and material, belong to the church, but the former is to be drawn by the church, the latter on behalf of the church; the former by the hand of the priest, the latter by the hand of the warrior, though, indeed, at the indication of the priest and the order of the emperor."<sup>60</sup>

Although Bernard's words and the phrase, "Two Swords", were to reverberate throughout the years of controversy (not unlike the Gelasian formula articulated centuries before), there existed sufficient ambiguity in the passage, to allow for differing interpretations. For example, "Did

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<sup>60</sup> Quoted in Lewis, Medieval Political Ideas, Vol. II, pp. 520-521.

the temporal sword belong to the church in the same sense as the spiritual sword, or was Bernard only restating in emphatic language the time-worn principle that the power of kings existed for the sake of the church and should be used to protect it when the pope desired such protection?"<sup>61</sup>

Although, as we have discovered, many changes were taking place in the makeup of Western European society, one cannot overemphasize the point that in the minds of all who argued the matter during this period, the Two Swords controversy was never an issue of Church versus State in the modern sense. Ewart Lewis writes:

It was essentially a question of the mutual adjustment of the authority of two sets of offices serving two sets of human purposes. It appeared as a problem because of the appearance of empirical conflicts between these offices, but it appeared to medieval minds as a problem capable of rational solution because they regarded such conflicts as occurring within a single society destined by God to be harmonious. It was fundamentally not a problem of state *versus* church, as modern language too glibly puts it, but of rifts within the single *respublica Christiana*. Certainly in its first emergence it is best spoken of as a conflict between *regnum* and *sacerdotium* — between kingship and priesthood; and though later corporate conceptions tended to round out the *regnum* into a state, the *sacerdotium* into a church, yet medieval thought never came to conceive them as two completely separate societies, or detached them from the matrix of that one commonwealth of believers whose different purposes they differently served.<sup>62</sup>

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<sup>61</sup> Ibid., p. 521.

<sup>62</sup> Ibid., pp. 506-507.

Not only was the concept of *respublica Christiana* maintained with regard to disputes between the priests and the kings, but the idea held sway in every facet of human existence. Recall the unitary principle discussed earlier. "[T]hus, however secular and spiritual authorities might in practice conflict, the principles of order and harmony that might control such conflicts must be believed to have objective existence, needing only to be found."<sup>63</sup> This idea essentially set the terms of the debate.

One group of thinkers hoped to find a solution to the problem by articulating a harmony that did not result in the institutional subordination of one authority to the other. For another group the very assumption of an underlying unity led to the conviction that it had to be expressed institutionally with all authority flowing from a single apex. They could hold this position without fear of tyranny because of their confidence in the fact that this authority would be guided by the divine plan.<sup>64</sup> These two approaches suggest what modern scholars term the "Theocratic" and "Hierocratic" positions that were dominant in the controversy.

The essence of the hierocratic position was that the pope, as the successor of St. Peter, was both entitled and obligated to lead the Church. In Western European Christendom this meant everyone, including the kings. The function of the pope was essentially the same as that of a monarch, governing the community entrusted to him. A hierarchical gradation of offices was established for the purpose of ensuring order.

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<sup>63</sup> Ibid., p. 507.

<sup>64</sup> Ibid., p. 507.

Order would be maintained so long as everyone performed their assigned functions. If either prince or priest interfered with the other's function, disorder would follow. Though hierarchically structured, a superior was limited by the function he performed. He could not legitimately stray from the role he played without being guilty of causing disorder. Supreme authority resided in the office of the papacy who stood outside the community of the faithful.<sup>65</sup>

The *anima-corpus* (soul-body) allegory abounded as a way of expressing the hierocratic thesis and the inferiority of the laity to the clergy and bears mention. Just as the soul ruled the body, the clergy ruled the laity; but not in the crude sense that the individual or individuals who held positions as clergymen were in and of themselves superior. They were superior only insofar as they were the logical expositors and interpreters of the law of God. In this sense the ruling 'soul' was actually the law. In the hierocratic thesis a priest was not only confined by the function he performed; he was also limited by fidelity to the law.<sup>66</sup>

This idea was significant for it applied equally to kings. There was, however, a competing principle. Recall that that portion of the Christian tradition founded by Augustine had called for complete submission to the divinely established secular authorities. The sufferings of the people under an unjust ruler were to be passively endured. They were to be considered either as retribution for sins or as tests of devotion to God.

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<sup>65</sup> Walter Ullmann, *A History of Political Thought: The Middle Ages* (Baltimore: Penguin Books, 1965) p. 100.

<sup>66</sup> *Ibid.*, pp. 101-102.

Pope Gregory the Great later echoed this doctrine by citing Old Testament references to David's veneration of God's anointed, King Saul. He pointed out that David had refused to lift his hand against Saul even after it was clear that Saul had become corrupt. This tradition was revived at the beginning of the period of our focus by the author of the controversial pamphlets published as the *Tractatus Eboracenses*. In them he, "sets the temporal power higher perhaps than any other writer of the Middle Ages".<sup>67</sup>

However, even he discriminates between a true king and a false one. To the medieval mind the purpose of all authority was to maintain justice and righteousness. Where there was no justice there was no king, only a tyrant. "This distinction between the King and the Tyrant was indeed one of the most important of the political conceptions of the Middle Ages."<sup>68</sup> This idea was most completely articulated by John of Salisbury, whom we will address later.

The theocratic thesis had enjoyed a much longer tenure in practice than that of the hierocratic. Theocratic kingships began to emerge in the seventh and eighth centuries (Charlemagne marks the culmination) when kings, previously tied to the people, began to detach themselves from those whom originally they owed their position as leader. It began with the king's adoption of the title, 'King by the grace of God'. His position was no longer understood to be an expression of the people's will but was accepted as an expression of the divine's. This thesis was rooted in the

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<sup>67</sup> R. W. and A. J. Carlyle, *A History of Medieval Political Theory in the West*, vol. III: *Political Theory from the Tenth Century to the Thirteenth*, 3rd ed. (New York: Barnes & Noble, Inc., 1953), p. 135.

<sup>68</sup> *Ibid.*, p. 126.

Christian idea expressed in the Pauline doctrine 'What I am, I am by the grace of God'. "The main features of this theocratic kingship (which in course of time was to turn divine grace into divine right) ... [is] its structure as a descending form of government and the consequential function of the king as a sovereign."<sup>69</sup>

Walter Ullmann's phrase, "descending form of government", requires elaboration. He argues that there existed in the medieval period two conceptions of government and law, a descending theory and an ascending theory. The ascending theory antedated the descending and had as its main feature "that original power is located in the people, or in the community itself."<sup>70</sup> It was the people who elected or appointed the duke or king as their war leader and his power was limited to that which the electors had given him. He represented the community who elected him and remained accountable to them. Therefore, implicit in the ascending theory of government is the right of resistance. Metaphorically, power ascended from the base of the pyramid to its apex., that is from the people to the king.<sup>71</sup>

By contrast, the descending theory of government had as its origin of power the apex of the pyramid. The apex was representative of a supreme being, which in an overwhelmingly Christian era, was acknowledged to be God himself. Ultimately, all power was located in there. Accordingly, all power below the apex was derivative or delegated from above. It was God who had appointed his chief deputy on earth and

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<sup>69</sup> Ullmann, A History of Political Thought: The Middle Ages, p. 130.

<sup>70</sup> Ibid., p. 12.

<sup>71</sup> Ibid., pp. 12-13.



in this sense the deputy embodied original power. The people had no power save that given to them from above. Every officer in the hierarchy was appointed from above and no one was elected from below. The supreme officer was responsible to God alone.<sup>72</sup>

It should be apparent that during this period of prevailing Christian ideas both the theocratic and the hierocratic positions in the Two Swords controversy were consistent only with a descending theory of government. Ullmann remarks: "[T]he ascending theme was, so to speak, driven underground, not to emerge again as a theoretical proposition until the late thirteenth century. From then onwards the descending thesis of government receded more and more into the background, until only a few remnants are left today."<sup>73</sup>

This should serve to reinforce the point made earlier regarding the principle of unity. The debate was not between a Christian worldview and a secular worldview. At that time there prevailed the Christian perspective with its attendant presumption of ultimate harmony. In this presumption rested the hope of resolution. But, one might ask, within this perspective was a theoretical resolution satisfactory to the kings even possible?

During the Middle Ages government by kings was far more a matter of practice than ecclesiastical government. But in spite of this practice, it seems all the intellectual cards were stacked against the kings. Between the eighth and eleventh centuries, when proponents of the hierocratic thesis were building a powerful ideological foundation to support their

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<sup>72</sup> Ibid., p. 13.

<sup>73</sup> Ibid., p. 13.

position, not a single writer on the royal side emerged.<sup>74</sup> Even assuming it had been clear early on to the royal side that it needed a substantive counter-thesis, was there anyone qualified to articulate their position? The kings' chanceries were overwhelmingly filled by the clergy. And with good reason, for the laity was overwhelmingly illiterate.

Three points are worth mentioning. First, as stated, the royal side entered the Two Swords struggle without a developed thesis supporting their position. An educated laity, who would have been the logical architects of this position, simply did not exist. Second, try as they might to argue from the Bible, emphasizing the biblical precedents for a royal theocracy, the pope was persistently credited with a more authentic interpretation of the Bible. Third, the well established practice of the king exercising firm control over the clergy through the proprietary church system, had similarly operated without even an attempt at ideological justification. Therefore, "when the assault came, and it came by confronting the practice with a highly developed theory, no doctrinal defence of the system was possible, because there was none. *However much the royal-theocratic form of government was a matter of practice and unsophisticated religious reasoning, it was powerless in the face of a closely woven and integrated doctrine.*"<sup>75</sup> (My italics)

Quite simply, in an age characterized by the dominance of the principle of unity and with the content of that unity defined by the Church, the kings were engaged in an intellectual argument they could not win. Moreover, it was an argument they could not win in spite of the fact that

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<sup>74</sup> Ibid., p. 130.

<sup>75</sup> Ibid., pp. 131-132.

in practice they had operated under the royal theocratic thesis for centuries. It was an argument they could never win until the unitary principle was successfully challenged. Little did they realize that to challenge it successfully meant relinquishing their "quasi-sacerdotal splendour". Nor did they immediately appreciate that this loss would also mean the loss of legitimacy for the descending theory of government. This, for political theorists, is the story of the twelfth and thirteenth centuries.

## VII

The tensions that existed between the kings and the popes during the twelfth and thirteenth centuries provided the context in which the change from the medieval to the modern took place. The breakdown of the principle of unity was both the necessary precondition and the story of the move from one period of political theory to the next. One needs to understand how this principle operated to appreciate fully the difficulty it presented to its challengers.

Church growth through the centuries and its eventual identification with the whole of organized society brought about a recognition for the need of a systematic elaboration of all Christian thought and traditions. Notably, the growth of universities and humanistic studies in the eleventh and twelfth centuries were accompanied by a devotion, consistent with the unitary principle, to the construction of a unified system of thought. The project included harmonizing faith and reason, theology and philosophy, Christianity and pagan antiquity.

The method that developed for the accomplishment of this task was *scholasticism* and from the ninth to the thirteenth century it was the predominant pattern of thought. Scholasticism is essentially a deductive method of investigation and moves from the assumption of first principles to conclusions that follow logically from those assumptions. In this sense, deduction offers nothing new; the answer to the problem being investigated is already contained within the premises. It makes for what are actually circular arguments, but because of their circularity, arguments that are impenetrably consistent.

The one premise from which much of medieval thought began was that reason should never contradict faith and concurrently, that theology held primacy over philosophy. St. Augustine wrote: "Seek not to understand that you may believe, but believe that you may understand." The Christian's faith was the foundation of all other truth, in fact it was necessary for even the recognition of that truth. Faith, and all other assumed first principles were understood from the authoritative sources of the Bible, the early Church fathers, and the few known Greek and Roman classical writers. By referring to these sources, particularly the Bible, all apparent conflicts could be resolved.

As one might guess, the deductive method embodied in scholasticism with its Christian first principles had profound political implications. From universally acknowledged assumptions men were able to deduce a specific theory of government that extended to its manifestation in even the most remote institution. In like manner, pick out a particular institution and its origin could be traced back ultimately to that comprehensive first principle. What this offered both the theorist and the

practitioner was a complete sense of confidence in the way things were organized. For the kings this confidence could border on smugness, for the twelfth and thirteenth century clergy it often bordered on arrogance. The hierocratic-descending thesis was deductively sound and could not be challenged.<sup>76</sup>

It was in this regard that the kings were fighting a losing battle with the popes, at least intellectually. If eternal issues were by definition more important than temporal ones, and if even in the temporal sphere ecclesiastical concerns overshadowed those secular, then regarding who was in rightful penultimate possession of the temporal Sword (God being in ultimate control) the advantage would always remain with the Church. Moreover, to free themselves from the understood predominance of faith over reason, theology over philosophy, the ecclesiastical world over the secular, it was necessary to argue for reason assuming an equal place alongside that of faith. But to do this was to jeopardize the descending thesis on which their legitimacy as rulers depended.

Nevertheless the task was undertaken with all its attendant threats to the established order. The first step had to include finding a way in which to argue abstractly, with legitimacy, against the predominance of faith over reason. This tool was to be provided with the recovery of Aristotle in the thirteenth century.

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<sup>76</sup> Ibid., p. 18.

## VIII

"The influence of Aristotle from the second half of the thirteenth century onwards wrought a transmutation in thought that amounts to a conceptual revolution. In fact and in theory the Aristotelian avalanche in the thirteenth century marks the watershed between the Middle Ages and the modern period."<sup>77</sup> After this observation Walter Ullmann is quick to explain that the soil in thirteenth century Western Europe was already prepared for the acceptance of Aristotelian ideas for many of the same reasons we have already discussed.

Perhaps the greatest of these reasons was a desire to construct a *theory* of medieval life that corresponded to the growing institutional expression of structural diversity and popular control inconsistent with a theocratic descending thesis of government. Aristotelian ideas helped to provide that theory. His notions regarding the State and the citizen are the most directly relevant to our discussion.

For Aristotle, the State was the final, self-sufficient, and autonomous human community. It was also natural. Man, as a political animal, was directly subject to the laws of nature and the State was the end product of the working out of these laws on man. He naturally progressed from a position of dependence to independence through stages. He began as an individual, successively moved from there to the family, the village, etc., with the final consummation in the State. Two essentials here are the

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<sup>77</sup> Ibid., p. 159.

ideas that the State is a product of nature and that its growth came from below.<sup>78</sup>

These aspects of the Aristotelian system were needed to attack the premises of the established medieval theory. The emphasis on the 'naturalism' of the State in the discussion of a properly ordered civil society at least exalted the place of reason and philosophy, even if it did not directly attack that of faith and theology. Furthermore, by focusing on the natural growth of the State from below a foundation was laid for proposing the legitimacy of the ascending thesis.

Moreover, the conceptual difference Aristotle makes between man and citizen was crucial to this process. He wrote: "It is evident that the good citizen need not necessarily possess the virtue which makes him a good man."<sup>79</sup> The acceptance of this idea served to break down the oneness or unitary point of view. Man could now be considered from at least two different perspectives, political and moral. Ullmann provides us with both the implications and the consequences when once this division was acknowledged: "... first, the separation of the Christian from the citizen, and from man; and later ensued the further categorization into social, economic, cultural, etc. norms, each with its own set of principles. It was nothing but the atomization of man's activities."<sup>80</sup>

Aristotelian ideas, as they took hold, provided the counter-theory for which those unhappy with the prevailing hierocratic-descending thesis were looking. Whether they were unsatisfied with the hierocratic or the

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<sup>78</sup> Ibid., pp. 167-168.

<sup>79</sup> Quoted in Ullmann, *A History of Political Thought: The Middle Ages*, p. 169.

<sup>80</sup> Ibid., pp. 169-170.

descending portions of that theory. Aristotle's ideas seemed to better account for and resolve the tension that existed between the existing institutional diversity and the unitary principle that sought to order it. Ullmann offers a summary of the distinctions between the two theories:

The Aristotelian State grew and was subjected to the principles of natural evolution. It took account of the multifariousness and variations and diversities of the human-natural development. The contrast to the prevailing christocentric theme is so obvious that no comment is called for: the Church as the all-embracing body of lay and clerics was founded and instituted by a specific act of divinity. The contrast between the two points of view, as far as they related to government, can be expressed thus: the one governmental system, the descending, derived its substance from a principle, from a norm laid down by an a-natural organ, aiming at unity and uniformity; the other, ascending, started from the multiformity of natural manifestations and took them as the basis of its thesis. The one system related to the other world (life in this world was merely preparatory); the other system related to this world alone which was its goal.<sup>81</sup>

## IX

Finally, I want to trace the course of the Two Swords debate through selected portions of the writings of John of Salisbury, St. Thomas Aquinas, and Marsilius of Padua. Men whose lives border and fill this period. As we will see, their words and ideas contain many elements of the changes indicative of the movement from medieval to modern. Significant among these are: the changing relationship of faith to reason

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<sup>81</sup> Ibid., p. 170.



and theology to philosophy, movement from clerical to secular intellectual dominance, from concern for supernatural ends to natural ones, from metaphysical preoccupation to empiricism, from deductive analysis to inductive, from a position recognizing the sovereignty of the law to one recognizing the sovereignty of the lawgiver, from the legitimacy of the descending theory of government to that of the ascending theory.

But perhaps the change of greatest significance during this period was the exaltation of philosophy. All the others follow, it seems, logically in its footsteps. After centuries of suffering as, in Anselm's words, the "handmaiden of theology", philosophy first split from its place as a subdivision of theology, then took its place alongside it as an equal, and finally swallowed it whole.

### John of Salisbury

John of Salisbury (1120-1180) was an Englishman who many consider to be the most typical medieval political writer before the spread of Aristotelianism in the thirteenth century. He was a contemporary of Thomas à Becket, the archbishop of Canterbury whose contest with the king, Henry II, led to his murder by Henry's assassins in the cathedral. Undoubtedly this contest effected the mature opinions of John. His most important work, one whose title apparently outlived its author's name, was *Policraticus* or *The Statesman's Book*. In it John outlines the position for which he is most famous, that is, the supremacy of the ecclesiastical over the temporal power:

This sword, then, the prince receives from the hand of the Church, although she herself has no sword of blood at all. Nevertheless she has this sword, but she uses it by the hand of the prince, upon whom she confers the power of bodily coercion, retaining to herself authority over spiritual things in the person of the pontiffs. The prince is, then, as it were, a minister of the priestly power, and one who exercises that side of the sacred offices which seems unworthy of the hands of the priesthood. For every office existing under, and concerned with the execution of, the sacred laws is really a religious office, but that is inferior which consists in punishing crimes, and which therefore seems to be typified in the person of the hangman.<sup>82</sup>

This passage demonstrates clearly the opening position of this period. After the aggressive papacy of Gregory VII, there could be no equivocation. Both Swords, spiritual and secular, belonged to the Church and the prince's Sword, such as he held it, was received from her. If we extend the metaphor, then faith is superior to reason, philosophy merely a subfield of theology.

But there is evidence in John's writings of the beginnings of a crack in the unitary worldview that still dominated. First, to prove the superiority of the ecclesiastical over the secular, John employs the analogy of the human body. His use of this 'natural' metaphor seems to suggest at least movement towards a more Aristotelian conception.

Secondly, John is noted for his advocacy of tyrannicide. Recall the medieval distinction between a king and a tyrant mentioned earlier. He writes: "The prince as the likeness of the Deity, is to be loved, worshipped and cherished; the tyrant, the likeness of wickedness, is

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<sup>82</sup> Quoted in William Ebenstein, Great Political Thinkers: Plato to the Present, 4th ed. (Hinsdale, Illinois: Dryden Press, 1969), p. 200.

generally to be even killed.”<sup>83</sup> Although this position might seem naturally supportive of the hierocratic over against the royal theocratic thesis, in fact John is one of the first to establish a clear doctrine of conditional obedience to authority. Political authority is ultimately based on justice, therefore, resistance is a right and even a duty when a peaceful change of tyrannical order is found impossible. This is a far step from the Augustinian position outlined earlier.

### St. Thomas Aquinas

Besides Augustine, St. Thomas Aquinas (1225-1274) is probably the most influential thinker in the history of the Church. His greatest achievement was the accommodation of Aristotle to Christian cosmology. The vehicle he employed to accomplish this task, and provide the theoretical framework from which the Two Swords contest could be resolved, was his double ordering of things (*duplex ordo in rebus*) as natural and supra-natural. Ullmann writes:

The conceptual element which enabled him to view both the natural and supra-natural as two hierarchically different orders was his notion that God was the author of nature, that God was the supreme regent of the created world. In this conception lay, at least partly, the secret of his accomplishing the task of accommodating Aristotle to Christian principles. By not postulating a dichotomy but by creating two complementary stages (or hierarchical orders), he achieved a reconciliation and harmony where there was previously hostility. The inflexible contrast

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<sup>83</sup> Ibid., p. 206.

between nature and grace gave way to a more flexible and realistic dualism, a dualism consisting of nature and super-nature.<sup>84</sup>

For Aquinas, conflicts between faith and reason were apparent only, never real. As products of God's creation they could never collide, both were supplementary ways of understanding God and his universe. But in his view, as products of God's creation, both were perfect, sufficient within themselves to achieve their purpose. It was here, in his attempts to synthesize Aristotle and the Christian tradition, that Aquinas broke with the past.

Previously, it was understood that *all* of creation was victim to the Fall, not man's soul alone. In this regard nature and reason, like the human soul, were suspect, error prone, in need of divine grace for guidance and correction. This understanding was consistent with the Augustinian tradition that had dominated until this period. In this light, Aquinas' double ordering was more than an argument for the appreciation of the difference between faith and reason, a difference already well known. The novelty in his argument was their relation to each other.

The practical consequences of Aquinas' synthesis were twofold. First, there followed both an exaltation of nature and man's ability to understand it through the use of his reason. Consistent with this conception was a veneration of the 'natural' political world. Like Aristotle, Aquinas argued for an appreciation of man playing different and autonomous roles. As Aristotle insisted on the acceptance of man as

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<sup>84</sup> Ullmann, A History of Political Thought: The Middle Ages, pp. 182-183.

both ethical and political, Aquinas maintained there existed a similar division between man as Christian and man as citizen. His standing as a Christian had no direct bearing on his role as a citizen; that is, he could remain a pagan and still be a good citizen. In the same way the political realm could be divorced from the religious and would not necessarily suffer for it. Nature, reason, and by extension, philosophy, were sufficient in themselves to prescribe a well-ordered society. Hence, there existed both a natural basis and positive ethical value for the State independent of its relationship with the Church. Ullmann writes:

Thomas presented the thesis of divine working manifesting itself in nature and in revelation. The sole source of power was no longer Christ's statement to Peter, but could also be located in the natural community, the State. That this system was cosmic, is evident: it was applicable to non-Christian societies. The individual himself could be viewed from two angles, from the natural angle of man (and in the political field as citizen) and from the supra-natural angle of the faithful Christian.<sup>85</sup>

To appreciate how this conception related directly to the Two Swords controversy, consider Aquinas' words:

. . . . A superior and an inferior power can be related in either of two ways. Either the lower power is totally derived from the higher; in this case the whole force of the lower is founded on the force of the higher; then, absolutely and in everything, the higher power is to be obeyed rather than the lower; ... the power of God is related to all created power in this way; in the same way the power of the emperor is related to the power of a proconsul; in the same way the power of the pope is related to all spiritual

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<sup>85</sup> Ibid., pp. 183-184.

power in the church, since the diverse grades and dignities in the church are disposed and ordained by the pope himself, whence his power is a sort of foundation of the church, as appears in Mathew 16:[18] ... Or, on the other hand, the higher power and the lower power can be so related that both derive from one supreme power, which subordinates one to the other as he wishes; in that case one is not superior to the other unless in those things in which the other has been subordinated to him by the supreme power, and the higher is to be obeyed rather than the lower in such things only; the powers of bishops and archbishops, which descend from the power of the pope, are related in this way . . . .

. . . . The spiritual and the secular power are both derived from the divine power; and therefore the secular power is under the spiritual only in so far as it has been subjected to it by God: namely, in those things that pertain to the salvation of the soul; and therefore the spiritual power is, in such matters, to be obeyed rather than the secular. But in those things that pertain to civil good, the secular power is to be obeyed rather than the spiritual, according to the saying in Mathew 22:[21], 'Render to Caesar the things that are Caesar's.'

Unless, perhaps, the secular power is joined to the spiritual, as in the pope, who holds the apex of both authorities, the spiritual and the secular.<sup>86</sup>

The equivocation in the last sentence demonstrates again how it was possible for Aquinas to articulate his 'Great Synthesis' in light of his double ordering. His synthesis was founded firmly in a belief in one God as the author and creator of all that existed. "That being the case, his optimistic rationalism and his profound piety alike led him to an assurance of the potential harmony of the institutions of man's reason and those of God's grace. No lawyer, he was always more concerned with

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<sup>86</sup> Quoted in Lewis, Medieval Political Ideas, Vol II, pp. 566-567.

right than with rights; he did not seek for unity in juristic structures but in the mind of God, Who was the first and final cause of all diversity.”<sup>87</sup>

Because of this, the second consequence was one that he probably did not anticipate, the debasement of faith and theology. His arguments both made them unnecessary in the natural world, either to understand it or correct it, and made whatever role they did have wholly ‘other worldly’. In doing this he laid the foundation for the idea that faith, theology, and, by extension, the Church, could not and indeed should not participate in the natural and autonomous political sphere. Insofar as they did, the secular powers would define the terms of their participation. Ullmann offers this final observation of Thomism:

The Thomist synthesis provided also the ingredients of a full-scale attack on the very foundations upon which the traditional conception of society and its government rested. For it was all very well to insist, as Thomas did, on God as the author and creator of nature, but was it not possible to sever this link? It was barely a generation afterwards that this step of cutting the link between God and nature was taken. This appeared as the thesis that there was a natural law which was in any case valid and persuasive enough without recourse to divinity, simply because the natural law was reasonable in itself. Indeed, the conclusion could be reached without undue effort that there was a natural law which would have existed if there were no God, and that it would be valid without any reference to divinity. Assuredly unwittingly, Thomas Aquinas opened the sluices to the fully-fledged attacks, first on the papacy, and then on any descending theory of government, attacks which were to usher in the age which had many of the appurtenances we like to call modern.<sup>88</sup>

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<sup>87</sup> Ibid., p. 523.

<sup>88</sup> Ullmann, *A History of Political Thought: The Middle Ages*, pp. 184-185.

### Marsilius of Padua

One of the earliest to launch a “fully-fledged attack” and perhaps the first wholly modern political philosopher was Marsilius of Padua (1275-1343). It is worth noting that Marsilius was not a cleric. He, like many thinkers that followed him, was a product of a growing bourgeois class. The success of the money economy and the rapid growth of towns had opened doors to the laity in education and political influence that soon eclipsed the ecclesiastical monopoly in those areas. At long last, from that portion of society with the most to gain from a reduction in ecclesiastical control and an increase in the esteem of the secular sphere, there arose a group of men who argued successfully against the previous domination by the Church. Henceforth political philosophy would be dominated by members of the laity.

If Aquinas’ synthesis provided the tools with which this new group of thinkers could dismantle the hierocratic-descending theory of government, it would take thinkers like Marsilius to extend Aquinas’ argument before that task would be ultimately successful. Aquinas did not go quite far enough. Ullmann explains:

As long as nature and the natural law were conceived to be manifestations of divinity, a formidable bar to the fully-fledged autonomy of the citizen and of the State was erected. This was indeed the weakness of Thomism: because natural law was in the last resort still linked with divinity, there was always the more or less remote possibility of a clerical intervention. And, when once the initial shock of Thomism had been absorbed, it could still be



said that the citizen and the faithful Christian were two sides of the same coin.<sup>89</sup>

Marsilius was to argue for the complete break between faith and reason. "He set out from the axiom that the link between nature and God was a matter of faith, and not a matter capable of rational proof. For, as he said, political science had modest aims, and it was not the business of the political scientist to enquire how natural things had come about: he had to operate with nature in its empirical and observable sense in so far as it affected human government."<sup>90</sup> In this sense the aim of his most famous work, *The Defender of Peace*, is more limited than previous works of political theory. He writes:

This is the desirable outcome which I propose at the beginning of this work; an outcome necessary for those who would enjoy civil happiness, which seems the best of the objects of desire *possible* to man in this world, and the ultimate aim of human acts.<sup>91</sup> (My italics)

Note the emphasis on secular happiness. The title of the work is not without significance. For Marsilius, the ultimate purpose of secular government is, as the natural empirical data and the dictates of reason suggest, preservation of the 'peace'. Since there was no evidence that God had established a particular form of civil government, that purpose certainly did not include the establishment of any kind of Christian

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<sup>89</sup> Ibid., pp. 204-205.

<sup>90</sup> Ibid., pp. 205-206.

<sup>91</sup> Marsilius of Padua, *The Defender of Peace*, translated by Alan Gewirth (New York: Columbia University Press, 1956) p. 7.

constitution. For Marsilius, nature and supra-nature had assumed complete independence. What was true in one realm, was not necessarily true in the other. In his work there is no attempt to reconcile the two. Of significance to the political theorist is the natural civil order and nothing more.<sup>92</sup>

The construction of a synthesis that was so important to previous thinkers ceased to retain its significance. Faith had been eclipsed by reason. Political philosophy, nobly struggling with the hard realities of social existence, waxed; airy theology waned. But this shift in respectability did not stop with the preeminence of philosophy over theology. In Marsilius' theory, as well as in much of modern political theory, it devoured theology. He writes:

Let us say, then, that the parts or offices of the state are of six kinds, as Aristotle said ... : the agricultural, the artisan, the military, the financial, the *priestly* , and the judicial or deliberative branch.<sup>93</sup> (My italics)

Although he seems to believe in the 'truth' of Christianity, he consistently argues for the historical utility of religion, and religious belief in general, for the preservation of well-ordered societies. The Church is to be part of the State, supported and regulated by it. In this sense faith has become subject to reason and theology a subset of philosophy, to be guided and corrected by it when necessary.

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<sup>92</sup> Ullmann, A History of Political Thought: The Middle Ages, p. 206.

<sup>93</sup> Marsilius, The Defender of Peace, p. 15.

Walter Ullmann remarks that Marsilius would not have been regarded as a medieval political thinker at all except for his focus on the law as "the crucial matter of political science. In fact, one can go as far as to say that his theory of law was the pivot of his political doctrine."<sup>94</sup> For him the only legitimate law was that which was enforceable, that is positive law. Natural law, however true it may or may not be, did not meet that test until it was codified with temporal penalties fixed to its transgression. But the key question remained as to who or what would enforce the law. Ullmann writes:

The descending-theocratic theory of government and law had no difficulty in answering the question: it was the will of the Ruler who, because of the divine derivation of his powers, could enforce his will, provided always that the subjects had the required faith. But an answer on this level was not available to Marsiglio, for to him it was axiomatic that, since law was the force which ordered and regulated the humans living in the State, it was the 'humans' themselves, the citizens, who infused enforceable character into rules of conduct. Hence the laws derived their enforceable character from the will of the people. The law was not *given* to them by some specially qualified officer, but *made* by them themselves.<sup>95</sup>

In this way the descending thesis is overturned. In contrast with the traditional position asserting the sovereignty of the law, we find Marsilius arguing for the sovereignty of the lawgiver, the people. Political power flows from the bottom up and with Aristotelian conceptions holding ever greater prominence, this proposition became

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<sup>94</sup> Ullmann, A History of Political Thought: The Middles Ages, p. 207.

<sup>95</sup> *Ibid.*, p. 207.

increasingly legitimate, that is with intellectual credibility and moral force. It became more than just a crude but clever explanation of the way things actually are.

## X

In Western Europe during the twelfth and thirteenth centuries the *theory* of life that maintained order, offered direction, and provided purpose was increasingly at variance with the actual institutional manifestations of that life. A thoroughly Christian cosmology, an imperial tradition, and a historically rooted fear of chaos were forces that had melded easily to form an intellectually formidable ideology that prescribed a hierocratic, descending social structure with a tremendous emphasis on the unity of thought and action, and the absolute necessity of maintaining that unity.

But, however consistent the ideology, it did not for that reason go unchallenged. Ultimately a new theory, founded on Aristotelian principles, was constructed. Such a theory was readily accepted because it did more justice to the actual institutional conditions present in medieval life than the theory it supplanted. Ullmann comments on the receptivity of Western Europe to the modern political theory that emerged:

Part of the explanation for the receptivity of the soil for Marsilian ideas could, paradoxically enough, be found in the institution which he attacked so acrimoniously. The papacy had taxed the credulity of the faithful Christians to an astonishing degree, since every papal law, decree, or verdict was alleged to have been the divine word made manifest, and yet a comparison of papal — let alone episcopal — actions with these assertions was

bound to kindle criticism and to produce a somewhat detached reaction amongst the faithful. Marsiglio's bitter recriminations against the popes could well be taken as an accusation that they had betrayed the Christian theme and had exploited the faith of their subjects. Two generations earlier these charges would have fallen flat, but in the fourteenth century they expressed what large sections of the populace in any case felt.<sup>96</sup>

What do large sections of the populace feel today? Have the defenders of the secular State taxed the credulity of its members by decreeing that any and all religious motivations that impinge on the authority of the state are either invalid or incongruous? Has the Aristotelian theory, with its acceptance of diversity, wrought at the close of the Middle Ages changed through the centuries? Has the emergent theory, built to ideologically support a secular society, ceased to explain adequately the actual institutions of life that often stubbornly include a religious dimension? If so, what new theory is on the horizon? In this respect, we may be waiting neither for a Godot, nor a Benedict, but for another — doubtless very different — Aquinas.

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<sup>96</sup> Ibid., pp. 213-214.

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